

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 09-0552

STATE OF MONTANA,

Plaintiff and Appellee,

v.

TYSON LEE HAPPEL,

Defendant and Appellant.

FILED

APR 26 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME**

The Appellee, State of Montana, respectfully requests a 30-day extension of time until May 28, 2010, in which to prepare, serve, and file its response brief in the above-entitled matter. The brief is presently due on April 28, 2010, and this is the State's first extension request.

This motion is made due to the heavy workload under which the attorney assigned to this case is presently working, making it impossible to properly research, consider, and brief the issues raised by the Appellant within the time allotted.

Opposing counsel has been contacted concerning this motion, and does not object.

Respectfully submitted this 26th day of April, 2010.

STEVE BULLOCK
Montana Attorney General
Justice Building
P.O. Box 201401
Helena, MT 59620-1401

By: Sheri K. Sprigg
SHERI K. SPRIGG
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time to be mailed to:

Mr. Dennis Paxinos
Yellowstone County Attorney
P.O. Box 35025
Billings, MT 59107-5025

Mr. Koan Mercer
Assistant Appellate Defender
(Hand-delivered into the wire basket located in the
Reception area in the Attorney General's Office,
215 North Sanders, Helena, MT 59620.)

DATED: 5/26/10 Shari K. Sping